

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MARIO GONZALEZ,  
  
Defendant.

No. 2:20-cr-13 WBS

ORDER RE: MOTION TO DISMISS

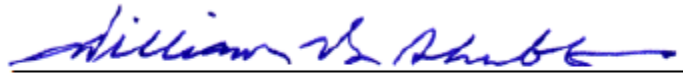
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Defendant has moved to dismiss his indictment pursuant to United States v. Duarte, 101 F.4th 657 (9th Cir. 2024), which held that the felon in possession statute, 18 U.S.C. § 922(g)(1), was unconstitutional as applied to nonviolent offenders under New York State Rifle & Pistol Ass'n v. Buren, 597 U.S. 1 (2022). (Docket No. 145.) However, the Ninth Circuit voted to rehear that case en banc, 108 F.4th 786 (9th Cir. 2024), and the en banc panel's decision ultimately held that the felon in possession statute was not unconstitutional as applied to nonviolent offenders, 137 F.4th 743 (9th Cir. 2025). This decision is

1 binding upon the court, and thus defendant's motion to dismiss  
2 the indictment is DENIED. The government's motion to hold the  
3 motion to dismiss in abeyance pending resolution of en banc  
4 proceedings in the Duarte case (Docket No. 147) is DENIED AS  
5 MOOT.

6 IT IS SO ORDERED.

7 Dated: August 11, 2025



8 WILLIAM B. SHUBB  
9 UNITED STATES DISTRICT JUDGE  
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